

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS (BOSTON)

**SHARON BOBBITT, Individually and on  
Behalf of all Others Similarly Situated,**

Plaintiff,

**VS.**

ANDREW J. FILIPOWSKI, *et al.*

**Defendants.**

**CASE NO. 1:04-cv-12263-(PBS)**

**UNOPPOSED MOTION TO EXTEND TIME  
FOR LEAD PLAINTIFFS TO FILE  
OPPOSITION TO DEFENDANTS' MOTION  
TO DISMISS THE SECOND  
CONSOLIDATED COMPLAINT**

Lead Plaintiffs James Tito ("Tito") and Frank Waddell ("Waddell") by their undersigned counsel, hereby move this Court to: (i) extend the time for them to file their opposition to Defendants' motion to dismiss the Second Consolidated Complaint until July 8, 2005; (ii) extend the time for Defendants to reply to such opposition until July 29, 2005; and (iii) adjourn the oral argument on Defendants' motion to dismiss the Second Consolidated Complaint until a later determined date. As reasons therefor, Lead Plaintiffs state:

1. On March 25, 2005, the Court entered an electronic Order granting the Joint Motion to Modify Briefing Schedule and for Leave to File Brief in Excess of 20 Pages (the "Joint Motion"), which gave Lead Plaintiffs until May 9, 2005 to file their opposition to Defendants' motion to dismiss and gave Defendants until May 17, 2005 to file a reply in support of their motion to dismiss. The date for oral argument on the motion to dismiss, which was previously scheduled for May 24, 2005, was not extended by the Joint Motion.

2. Recently, the parties reached an agreement to attempt to mediate the claims in the above-captioned action. The parties agreement to mediate comes after many months of negotiations between plaintiffs, defendants and the bankruptcy trustee. For this reason, Lead Plaintiffs respectfully submit that it would be in all parties interests to adjourn the present schedule so that the parties can devote their time, energy and resources to the complex negotiations that resolution of this matter will require. Lead Plaintiffs propose to submit a status report to the Court shortly after their first mediation session.<sup>1</sup> Accordingly, in an effort to minimize any unnecessary costs in this action, Lead Plaintiffs hereby request an extension of the previously-agreed upon briefing schedule.

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<sup>1</sup> The parties expect to agree to a mediator and a date for the mediation shortly and will advise the court as soon as that is accomplished.

3. Lead Plaintiffs' counsel has conferred with Defendants' counsel who inform Lead Plaintiffs' counsel that they do not intend to oppose this motion.

WHEREFORE, Lead Plaintiffs Tito and Waddell request that this Court enter an Order to extend the briefing schedule, as described herein, and to adjourn the oral argument scheduled for May 24, 2005.

DATED: May 5, 2005

Respectfully submitted,

**GILMAN AND PASTOR, LLP**

By:/s/ David Pastor  
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***Lead Counsel for Plaintiffs and the Class***

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that Lead Plaintiffs' counsel conferred with Defendants' counsel and have attempted in a good faith to resolve or narrow the issue raised by this motion. Defendants do not oppose this motion.

/s/ David Pastor  
David Pastor